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## NC ACCESSIBILITY CODE

2009 NC Bldg Code Ch. 11

2003 ICC/ANSI A117.1

**Mandatory:** 1 Jan 2010

2012 NC Bldg Code Ch. 11

2009 ICC/ANSI A117.1

**Effective date:** 1 Sept 2011

**Mandatory:** 1 March 2012

### 2010 ADA STANDARDS:

- Published in Federal Register 9/15/10
- Effective 3/15/11
- Mandatory 3/15/12
- Copy available: [www.ada.gov](http://www.ada.gov)

[Click here TO SIGN UP FOR THIS E-MAIL NEWSLETTER](#)

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## Readable 2012 Building Codes Online



There are free readable only copies of the 2012 North Carolina Building Codes new available on-line. This is a distinct benefit for us all. Please keep in mind the following:

1. Nothing can be printed out.
2. Selections are available on a chapter by chapter basis.
3. It is not possible to scroll forwards or backwards from one chapter to another.
4. The Building, Plumbing, Mechanical, Fuel Gas and Fire Codes are posted.
5. The Residential, Administration + Energy Codes will be added later.
6. There is no mention about the Electrical Code which is still under discussion in the Legislature.

The link to get to the website is:

[http://www.ecodes.biz/ecodes\\_support/Free\\_Resources/2012NorthCarolina/12NorthCarolina\\_main.html](http://www.ecodes.biz/ecodes_support/Free_Resources/2012NorthCarolina/12NorthCarolina_main.html)

## NCBC 1108.2.1 Accessible Bars

One of the more frequent topics of late has been access in restaurants and bars. In the **2004 NC Accessibility Code, Section 23.2** specifically gave situations where having similar service at a side table meant that you did not have to make the bar accessible. There is no such language in the NCBC. Some think that this provision went away. It did not. The code book just got smaller but common sense still is in play here...

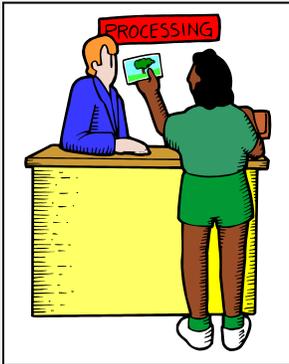
**NCBC 1108.2.1** states **1108.2.8.1 Dining surfaces.** *Where dining surfaces for the consumption of food or drink are provided, at least*

*5 percent, but not less than one, of the seating and standing spaces at the dining surfaces shall be accessible and be distributed throughout the facility.*

On page 11-39 of the IBC Commentary for the section 1108.2.8.1 says: *The entire dining or seating area must be accessible. In addition, 5 percent of all total surfaces provided must be accessible. The issue of whether a portion of a bar in a restaurant is required to be accessible is subjective. The assumption is that if other types of seating are provided adjacent to the counter, then the services provided at the counter will also be available at the*

*adjacent seating; therefore, if adequate accessible seating is available adjacent to the bar area, the bar area is not required to be lowered. If the bar is the only eating or dining surface, however, then a portion of the bar must be made accessible.*

The Commentary is often the common sense part of the Code. NC got accustomed to the more involved 2004 NC Accessibility Code that had specific requirements. Now, the NCBC scoping provisions + the ANSI standard appear to enforce the same or similar requirements, but in a more intuitive manner.



The accessible reception area should be in the same location for both persons with disabilities and for able-bodied people.

## ANSI 904 Reception Counters

Reception counters seem to be everywhere. Medical offices often have two – one for reception and one for checkout. Business offices have reception areas; there are hotel check-in desks, as well as bank counters. All come under **ANSI 904 Sales and Service Counters**. There is a nice photo of one in **ANSI Commentary Fig. C904.3.1**.

Recently submitted plans show a design tendency to put the accessible portion

of the reception counter on the end or at one side of the reception area in a different location than the reception area (or opening) used for able-bodied persons.

The accessible reception area should be in the same location for both persons with disabilities and for able-bodied people. Why provide separate locations when the code intent is that everyone be in the same location?

**ANSI 904.3.1** provides the 36" minimum length and 36" maximum height AFF for a parallel approach.

**ANSI 904.3.2** provides for a 30" minimum length and a 36" maximum height AFF for a side approach.

If the counter is one where check-writing or other similar functions will occur, then reference **ANSI 904.4.3**. This refers you back to **ANSI 902.3** for a 28" minimum to 34" maximum counter height.

## FHA Violation – Settlement Agreement

How many times have you driven by apartment buildings and seen steps leading up to the front of the building and thought "it must be OK, because there they are or they would not be there." Well, today is the day that you may start to think differently. *Just because you see something does not mean that it complies with code.*

On September 26, The US Department of Justice announced the following:

**The Justice Department announced today that the developer and designers of an apartment complex in Washington Township, Mich., have agreed to settle a lawsuit alleging that they violated the Fair Housing Act when they designed and constructed a 200 unit apartment complex with steps to the front door and other barriers that make it inaccessible to persons with disabilities. To read more, [click here](#).**

The settlement [<http://www.justice.gov/opa/pr/2011/September/11-crt-1258.html>] indicates that 'Among other things, the act requires all multifamily housing constructed after March 12, 1991 to have basic accessibility features, including accessible routes without steps to all ground floor units.'

It's something to remember when reviewing or designing the next apartment building.

## Online Web Interpretations

The following notice was sent out in-house on September 29, 2011 concerning the on-line web interpretations. These interpretations are researched for all **NC State Building Codes** when someone is looking for an interpretation to a specific code section.

Interpretations will no longer be issued for 2009 codes where 2012 codes have gone into effect. So far this affects all codes except the **Residential Code, Energy Conservation Code, Rehab Code, and Electrical Code**.

Interpretation Search Location:

[http://www.ncdoi.com/OSFM/Engineering/CodeServices/engineering\\_codeservices\\_interpretations.asp](http://www.ncdoi.com/OSFM/Engineering/CodeServices/engineering_codeservices_interpretations.asp)

# ANSI 504.3 Open Risers – Permitted or Not?

Once upon a time, that there was an allowance in the code for a greater variation in stair risers: open risers or closed risers. The provision of a stair with open risers relied on having an elevator adjacent to the stair as an alternate path of travel.

Designers are once again looking into variations, because the question keeps reappearing, such as this one below:

**Q:** 2009 NCSBC 1009.3.3 Exc. 1 states that solid risers are not required for stairways that are not required to comply with Section 1007.3. Does this mean that open risers are only allowed on stairways that are not part of the accessible means of egress? Is this consistent with 2009 ICC A117.1 - 504.3?

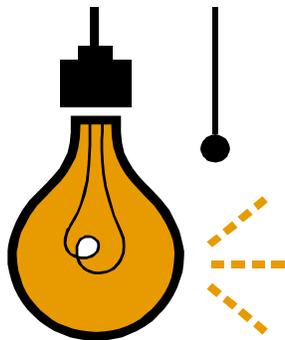
Just want to make sure I understand where open risers would be allowed.

**A:** What occurs here are two sections of the code with overlapping provisions. Yes, Chapter 10 addresses egress, but is far more encompassing since the scoping requirements in NCBC 1103.1 let you know

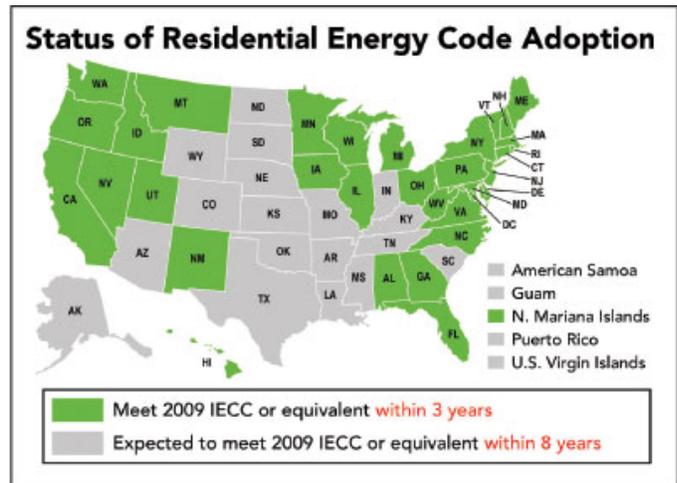
that accessibility is required everywhere, interior (buildings), exterior (sites), whether temporary or permanent. The scoping language uses some of the more general terms in its description, including *elements and spaces*. So while Chapter 10 addresses egress, Chapter 11 addresses access, general circulation paths and pretty much everything else. As a result, the **ANSI 504.3** requirement on risers becomes far-reaching.

**ANSI 504.3** states *Open risers shall not be permitted* [for any stairways]. It is a blanket statement. That leaves the only locations where the open risers would be acceptable in those locations that are exempt from the accessibility requirements. Typically, those 14 exempt locations are listed in **NCBC 1103.2.2** through **1103.2.15**. Everything else requires closed risers on stairs.

The **Q** referenced the **2009 ICC A117.1 - 504.3**. The requirement is the same in the 2003 edition of ANSI. There were no changes for this requirement in the move to the newer standard.



Energy Code Training

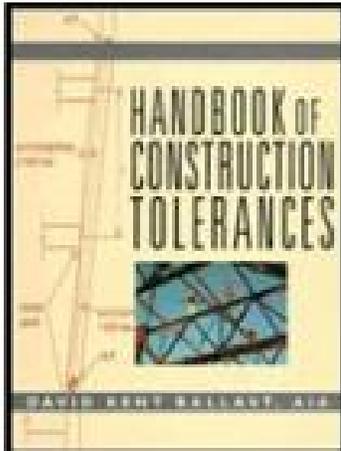


In addition to the free energy code classes being provided by BFCa for inspectors, Appalachian State University is also providing energy code training targeted for professionals, home builders, and contractors. Below is the information and registration link to these classes. These classes are also free of charge and provide training for the 2012 NCECC. These classes are also recommended.

<http://ncenergystar.org/ec-training-events>

If you have any questions, please contact:

**Billy Hinton, PE, PEM**  
 Evaluation Services Section, NC Dept of Ins., Eng. Div.  
 322 Chapanoke Road, Raleigh, NC 27603  
 TEL: 1-919-661-5880 x-239  
 FAX: 1-919-662-4414

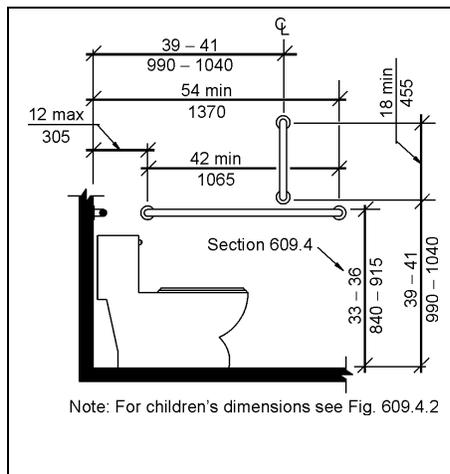


## 2003 ANSI 104.2 Tolerances

One question that comes up on a frequent basis is the question about Construction Tolerances. This question was sent to Kimberly Paarlberg, ICC Senior Staff Architect, who specializes in accessibility. The question, and her November 9, 2011 answer, is below.

**QUESTION:** Are all dimensions in ICC A117.1 permitted to include conventional industry tolerances?

**ANSWER:** Yes. If the standard provides a range (i.e., 16" to 18") or a minimum or maximum (i.e., 48" maximum), all dimensions are still permitted to have tolerances. What those tolerances can be depend on the type of material or product you are reviewing. The intent was to allow for situations where slight adjustments in the field were necessary due to 'as-built' conditions. However, please note that the ICC A117.1 committee did not say what those tolerances should be. Therefore, interpretation of what should be permitted is subject to the local code official. Therefore, if a designer could choose not to be so close to the edge of the range, maximum or minimum, so this was not an issue.



Please note the intent behind the provision allowing construction tolerance was to allow for situations where slight adjustments in the field were necessary due to 'as-built' conditions.

**Maximum height:** What this means is that for new construction, the Installation is required to fall within the dimensions specified. So for a lavatory required to be mounted with the front of the lavatory at 34" maximum distance above the floor, measured to the rim or counter surface, the maximum height is still 34" maximum AFF. To be certain that the installation does not exceed that amount, specify the installation at a slightly lower distance as suggested.

**Ranges:** When a given dimension has a range, such as grab bar mounting heights [ANSI Fig. 604.5.2: 33" – 36"] or toilet seat heights [ANSI Fig. 604.4: 17" – 19"], the correct installation shall be within the range given, not outside it.

Where there may be an issue of types of material used, i.e., the tile got changed out for a thicker tile, ¼" should be within the construction tolerance. This would fall within the "slight adjustments in the field where necessary due to 'as-built' conditions". Think about the installation and how to address it ahead of time. Remember, the "interpretation of what should be permitted is subject to the local code official".



## NFPA Newsletters and Guides

There are NFPA newsletters or guides out there that may be of interest to you.

- For a free copy of NFPA's Emergency Evacuation Planning Guide, visit [www.nfpa.org/disabilities](http://www.nfpa.org/disabilities). The guide addresses 5 categories of disabilities and 4 evacuation elements necessary for persons with disabilities.
- Sign up for a free subscription to the **NFPA e-ACCESS newsletter** at [www.nfpa.org/e-access](http://www.nfpa.org/e-access). On the same page as the NFPA Emergency Evacuation Guide, you can sign-up for their **NFPA e-Access newsletter**. There is also a link there to previous e-Access Newsletters, so that you can check and see if the newsletter is of interest to you.

## Inside Story Headline

The purpose of a newsletter is to provide specialized information to a targeted audience. Newsletters can be a great way to market your product or service, and also to create credibility and build your organization's identity among peers, members, employees, or vendors.

First, determine the audience of the newsletter. This could be anyone who might benefit from the information it contains, for example, employees or people interested in purchasing a product or in requesting your services.

You can compile a mailing list from business reply cards, customer information sheets, business cards collected at trade shows, or membership lists. You might consider purchasing a mailing list from a company.

Next, establish how much time and money you can spend on your newsletter. These factors will help determine how frequently you publish your newsletter and its length. You should publish your newsletter at least quarterly so that it's considered a consistent source of information. Your customers or employees will



*"To catch the reader's attention, place an interesting sentence or quote from the story here."*

## Inside Story Headline

You can also research articles or find "filler" articles by accessing the World Wide Web. You can write about a variety of topics, but try to keep your articles short.

Much of the content you put in your newsletter can also be used for your Web site. Microsoft Word offers a simple way to convert your newsletter to a Web publication. So, when you're finished writing your newsletter, convert it to a Web site and post it.

The subject matter that appears in newsletters is

virtually endless. You can include stories that focus on current technologies or innovations in your field.

You may also want to note business or economic trends, or make predictions for your customers or clients.

If the newsletter is distributed internally, you might comment upon new procedures or improvements to the business. Sales figures or earnings will show how your business is growing.

Some newsletters include a column that is updated

every issue, for instance, an advice column, a book review, a letter from the president, or an editorial. You can also profile new employees or top customers or vendors.

Selecting pictures or graphics is an important part of adding content.



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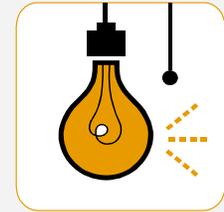
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## Inside Story Headline

In a few words, a headline should accurately represent the contents of the story and draw readers into the story. Develop the headline before you write the story. This way, the headline will help you keep the story focused.

Examples of possible

headlines include Product Wins Industry Award, New Product Can Save You Time, Membership Drive Exceeds Goals, and New Office Opens Near You.

One benefit of using your newsletter as a promotional tool is that you can reuse content from other

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While your main goal of distributing a newsletter might be to sell your product or services, the key to a successful newsletter is making it useful to your reader.

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**Company Name**

Street Address  
Address 2  
City, ST ZIP Code

**Phone**

(503) 555-0125

**Fax**

(503) 555-0127

**E-mail**

someone@example.com

*Your Tagline here.*

## Back Page Story Headline

In a few words, it should accurately represent the contents of the story and draw readers into the story. Develop the headline before you write the story. This way, the headline will help you keep the story focused.

Examples of possible headlines include Product

Wins Industry Award, New Product Can Save You Time, Membership Drive Exceeds Goals, and New Office Opens Near You.

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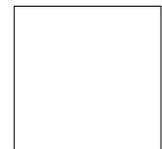
## About Our Organization

Think about your article and ask yourself if the picture supports or enhances the message you're trying to convey. Avoid selecting images that appear to be out of context.

Microsoft includes thousands of clip art images from which you can choose, and you can import them into your newsletter. There are also several tools you can use to draw shapes and symbols.

Once you have chosen an image, place it close to the article. Be sure to place the caption for the image near the image, too.

**COMPANY NAME**  
STREET ADDRESS  
ADDRESS 2  
CITY, ST ZIP CODE



**We're on the Web!**  
See us at:  
[www.contoso.com](http://www.contoso.com)

**CUSTOMER NAME**  
STREET ADDRESS  
ADDRESS 2  
CITY, ST ZIP CODE